

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ANTHONY RIGGINS,	:	Case No. 1:01-CV-503
	:	
Plaintiff,	:	Judge Barrett
	:	
vs.	:	
	:	
FORREST HUNT, et al.,	:	<u>PLAINTIFF'S MOTION FOR</u>
	:	<u>ORDER PROVIDING</u>
	:	<u>DEFENDANT WITH A</u>
Defendants.	:	<u>DEADLINE TO PAY THE</u>
	:	<u>APPEAL FILING FEE</u>

MOTION AND MEMORANDUM IN SUPPORT

On December 8, 2006 the U.S. Court of Appeals notified the parties that Defendants had not paid his filing fee of \$455 and warned that the appeal would be dismissed if the fee were not paid by deadline set by the district court. (Doc. 188, 189). At the December 15, 2006 telephone conference the Court orally stated that Defendants had until January 8, 2007 to pay, however that statement was not reduced to a written order.<sup>1</sup> Defendant Wells' filing fee was paid (see undocketed notice attached). In fact it was paid twice (Doc. 190). However, Defendant Hunt has not paid the filing fee. Therefore, Plaintiff requests an order directing Defendant Hunt to pay the appeal filing fee by January 8, 2007.

Respectfully submitted,

s/ Jennifer L. Branch  
Jennifer L. Branch (0038893)  
Trial Attorney for Plaintiff  
Alphonse A. Gerhardstein (0032053)

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<sup>1</sup> Defendant Hunt did not attend the telephone conference, although Plaintiff's attorney did notify him of the Court's oral statement that the Court directed the filing fee to be paid by January 8, 2007 (see attached emails).

Attorney for Plaintiff  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 3, 2007, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing pleading and the Notice of Electronic Filing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically.

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s/ Jennifer L. Branch  
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